

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 42 be amended to read as follows:

- 1 Page 2, between lines 5 and 6, begin a new paragraph and insert:
- 2 "SECTION 2. IC 2-5-29 IS ADDED TO THE INDIANA CODE AS
- 3 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY**
- 4 **1, 2008]:**
- 5 **Chapter 29. Legislative Enactments Implementation Oversight**
- 6 **Committee**
- 7 **Sec. 1. As used in this chapter, "committee" refers to the**
- 8 **legislative enactments implementation oversight committee**
- 9 **established by section 2 of this chapter.**
- 10 **Sec. 2. The legislative enactments implementation oversight**
- 11 **committee is established.**
- 12 **Sec. 3. (a) The committee consists of the following eight (8)**
- 13 **members of the general assembly:**
- 14 **(1) Four (4) members of the house of representatives**
- 15 **appointed by the speaker of the house of representatives. Not**
- 16 **more than two (2) members appointed under this subdivision**
- 17 **may be members of the same political party.**
- 18 **(2) Four (4) members of the senate appointed by the president**
- 19 **pro tempore of the senate. Not more than two (2) members**
- 20 **appointed under this subdivision may be members of the same**
- 21 **political party.**
- 22 **(b) The appointing authorities shall make the appointments**
- 23 **before December 1 of each even-numbered year. The appointments**

1 remain in effect until the election of the next general assembly.

2 (c) Any vacancy occurring on the committee must be filled by
3 the appointing authority for the unexpired term.

4 Sec. 4. (a) The speaker of the house of representatives shall
5 appoint a member of the committee to be the chair of the
6 committee during the first regular session of each general
7 assembly. The member appointed to be the chair by the speaker
8 serves as chair until the beginning of the second regular session of
9 that general assembly.

10 (b) The president pro tempore of the senate shall appoint a
11 member of the committee to be the chair of the committee during
12 the second regular session of each general assembly. The member
13 appointed to be the chair by the president pro tempore serves as
14 chair until the election of the next general assembly.

15 (c) The committee shall meet to organize on the call of the chair
16 not later than December 15 of each year. The committee shall meet
17 at the call of the chair.

18 Sec. 5. Each member of the committee is entitled to receive the
19 same per diem, mileage, and travel allowances paid to members of
20 the general assembly serving on interim study committees
21 established by the legislative council. These expenses shall be paid
22 from funds appropriated to the legislative council.

23 Sec. 6. The committee shall do the following:

24 (1) Review the process and the timeliness of the executive
25 department's distribution of legislative appropriations.

26 (2) Study and investigate the executive department's
27 implementation of legislation enacted by the general
28 assembly.

29 Sec. 7. (a) Five (5) members of the committee constitute a
30 quorum.

31 (b) The affirmative vote of five (5) members of the committee is
32 required for the committee to take any action.

33 Sec. 8. (a) Notice of the date, time, place, and agenda of
34 committee meetings may be given in the Indiana Register.

35 (b) The committee may require publication of a periodic
36 announcement in the Indiana Register that describes the duties of
37 the committee.

38 (c) The committee may require publication in the Indiana
39 Register of an account of all or part of the proceedings of the
40 committee.

41 Sec. 9. (a) Except as provided in subsection (b), the committee
42 shall operate under the policies governing study committees
43 adopted by the legislative council, including the requirement of
44 filing an annual report in an electronic format under IC 5-14-6.

45 (b) The committee may meet at any time during the calendar
46 year.

47 Sec. 10. The legislative services agency shall provide staff for the

1 **committee."**

2 Page 2, between lines 38 and 39, begin a new paragraph and insert:

3 "SECTION 5. P.L.234-2007, SECTION 173, IS AMENDED TO
4 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION

5 173. (a) As used in this SECTION, "commission" refers to the
6 commission on disproportionality in youth services.

7 (b) As used in this SECTION, "youth services" means the following:

8 (1) Juvenile justice services.

9 (2) Child welfare services.

10 (3) Education services.

11 (4) Mental health services.

12 (c) The commission on disproportionality in youth services is
13 established to develop and provide an implementation plan to evaluate
14 and address disproportionate representation of youth of color in the use
15 of youth services.

16 (d) The commission consists of the following members appointed
17 not later than August 15, 2007:

18 (1) The dean or a faculty member of an Indiana accredited
19 graduate school of public administration, social work, education,
20 mental health, or juvenile justice, who shall serve as chairperson
21 of the commission.

22 (2) The state superintendent of public instruction, or the
23 superintendent's designee.

24 (3) The director of the division of mental health and addiction, or
25 the director's designee.

26 (4) The executive director of the Indiana criminal justice institute,
27 or the executive director's designee.

28 (5) The director of the department of child services, or the
29 director's designee.

30 (6) The commissioner of the department of correction, or the
31 commissioner's designee.

32 (7) A division of child services county director from a densely
33 populated county.

34 (8) A faculty member of an Indiana accredited college or
35 university that offers undergraduate degrees in public
36 administration, social work, education, mental health, or juvenile
37 justice.

38 (9) A prosecuting attorney.

39 (10) A juvenile court judge.

40 (11) An attorney who specializes in juvenile law.

41 (12) A representative of the Indiana Minority Health Coalition.

42 (13) A health care provider who specializes in pediatric or
43 emergency medicine.

44 (14) A public agency family case manager.

45 (15) A private agency children's service social worker.

46 (16) A school counselor or social worker.

- 1 (17) A representative of law enforcement.
- 2 (18) A guardian ad litem, court appointed special advocate, or
- 3 other child advocate.
- 4 (19) The chairperson of an established advocacy group in Indiana
- 5 that has previously investigated the issue of disproportionality in
- 6 use of youth services.
- 7 (20) A young adult who has previous involvement with at least
- 8 one (1) youth service.
- 9 (21) A representative of foster parents or adoptive parents.
- 10 (22) A representative of a state teacher's association or a public
- 11 school teacher.
- 12 (23) A child psychiatrist or child psychologist.
- 13 (24) A representative of a family support group.
- 14 (25) A representative of the National Alliance on Mental Illness.
- 15 (26) A representative of the commission on the social status of
- 16 black males.
- 17 (27) A representative of the Indiana Juvenile Detention
- 18 Association.
- 19 (28) A representative of the commission on Hispanic/Latino
- 20 affairs.
- 21 (29) A representative of the civil rights commission.
- 22 (30) Two (2) members of the house of representatives appointed
- 23 by the speaker of the house of representatives. The members
- 24 appointed under this subdivision may not be members of the same
- 25 political party and serve as nonvoting members.
- 26 (31) Two (2) members of the senate appointed by the president
- 27 pro tempore of the senate. The members appointed under this
- 28 subdivision may not be members of the same political party and
- 29 serve as nonvoting members.
- 30 The governor shall appoint the members under subdivisions (1), (7),
- 31 (10), (13), (16), (19), (22), (25), (28), and (29). The speaker of the
- 32 house of representatives shall appoint the members under subdivisions
- 33 (8), (11), (14), (17), (20), (23), (26), and (30). The president pro
- 34 tempore of the senate shall appoint the members under subdivisions
- 35 (9), (12), (15), (18), (21), (24), (27), and (31). Vacancies shall be filled
- 36 by the appointing authority for the remainder of the unexpired term.
- 37 (e) Each member of the commission shall have an interest in or
- 38 influence on evaluating and addressing disproportionate representation
- 39 of youth of color in the use of youth services.
- 40 (f) A majority of the voting members of the commission constitutes
- 41 a quorum.
- 42 (g) The Indiana accredited graduate school represented by the
- 43 chairperson of the commission under subsection (d)(1) shall staff the
- 44 commission.
- 45 (h) The commission shall meet at the call of the chairperson and
- 46 shall meet as often as necessary to carry out the purposes of this

1 SECTION.

2 (i) Each member of the commission who is not a state employee is
 3 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
 4 The member is also entitled to reimbursement for traveling expenses
 5 as provided under IC 4-13-1-4 and other expenses actually incurred in
 6 connection with the member's duties as provided in the state policies
 7 and procedures established by the Indiana department of administration
 8 and approved by the budget agency.

9 (j) Each member of the commission who is a state employee but
 10 who is not a member of the general assembly is entitled to
 11 reimbursement for traveling expenses as provided under IC 4-13-1-4
 12 and other expenses actually incurred in connection with the member's
 13 duties as provided in the state policies and procedures established by
 14 the Indiana department of administration and approved by the budget
 15 agency.

16 (k) Each member of the commission who is a member of the general
 17 assembly is entitled to receive the same per diem, mileage, and travel
 18 allowances paid to legislative members of interim study committees
 19 established by the legislative council. Per diem, mileage, and travel
 20 allowances paid under this subsection shall be paid from appropriations
 21 made to the legislative council or the legislative services agency.

22 (l) The commission's responsibilities include the following:

23 (1) Reviewing Indiana's public and private child welfare, juvenile
 24 justice, mental health, and education service delivery systems to
 25 evaluate disproportionality rates in the use of youth services by
 26 youth of color.

27 (2) Reviewing federal, state, and local funds appropriated to
 28 address disproportionality in the use of youth services by youth of
 29 color.

30 (3) Reviewing current best practice standards addressing
 31 disproportionality in the use of youth services by youth of color.

32 (4) Examining the qualifications and training of youth service
 33 providers and making recommendations for a training curriculum
 34 and other necessary changes.

35 (5) Recommending methods to improve use of available public
 36 and private funds to address disproportionality in the use of youth
 37 services by youth of color.

38 (6) Providing information concerning identified unmet youth
 39 service needs and providing recommendations concerning the
 40 development of resources to meet the identified needs.

41 (7) Suggesting policy, program, and legislative changes related to
 42 youth services to accomplish the following:

43 (A) Enhancement of the quality of youth services.

44 (B) Identification of potential resources to promote change to
 45 enhance youth services.

46 (C) Reduction of the disproportionality in the use of youth

1 services by youth of color.

2 (8) Preparing a report consisting of the commission's findings and
3 recommendations, and the presentation of an implementation plan
4 to address disproportionate representation of youth of color in use
5 of youth services.

6 (m) In carrying out the commission's responsibilities, the
7 commission shall consider pertinent studies concerning
8 disproportionality in use of youth services by youth of color.

9 (n) The affirmative votes of a majority of the commission's voting
10 members are required for the commission to take action on any
11 measure, including recommendations included in the report required
12 under subsection (l)(8).

13 (o) The commission shall submit the report required under
14 subsection (l)(8) to the governor and to the legislative council not later
15 than ~~August 15, 2008~~. **October 15, 2008**. The report to the legislative
16 council must be in an electronic format under IC 5-14-6. The
17 commission shall make the report available to the public upon request
18 not later than December 1, 2008.

19 (p) There is appropriated from the state general fund one hundred
20 twenty-five thousand (\$125,000) dollars for the period beginning July
21 1, 2007, and ending December 31, 2008, to carry out the purposes of
22 this SECTION, including the hiring by the chairperson of an individual
23 to serve only to assist the chairperson and members with research,
24 statistical analysis, meeting support, and drafting of the report required
25 under subsection (l)(8).

26 (q) This SECTION expires January 1, 2009."

27 Page 2, after line 40, begin a new paragraph and insert:

28 "SECTION 7. **An emergency is declared for this act.**".

29 Renumber all SECTIONS consecutively.

(Reference is to ESB 42 as printed February 8, 2008.)

Representative Crawford